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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,295	04/14/2004	Christopher J. Grubb	W200401	6057

7590 06/07/2005

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EXAMINER
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ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/824,295

Applicant(s)

GRUBB, CHRISTOPHER J.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

5-0-0-0

**DETAILED ACTION**

1. This office action is in response to Applicant's amendment, filed on 03/10/2005.
2. Claims 1-35 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-35 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Conklin et al (U.S. Pat. No. 6,141,653) and Loeb et al (U.S. Pat. No. 6,711,549) in view of Barker et al (U.S. Pat. No. 5,931,916).

As per claims 1, 3, 4, 6-9, and 11-35 Conklin substantially discloses a multivariate negotiations engine for iterative bargaining which enables a sponsor to create and administer a community between participants such as buyers and sellers having similar interests, the system comprising:

A user input module configured to operate on a first computer station located at a first location and communicate with a database (see., abstract, figs 1a,1b, and 1n, col 17, lines 13-67, col 18, lines 1-67, col 19, lines 1-67, col 20, lines 1-67, col 21, lines 1-57);

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Said user input module being further configured to receive an input from one of plurality of users (see., abstract, figs 1a,1b, and 1n, col 17, lines 13-67, col 18, lines 1-67, col 19, lines 1-67, col 20, lines 1-67, col 21, lines 1-57);

A sale negotiation module configured to communicate with the database, and achieve a sale price for the item (see., col 8, lines 49-62);

A generator module configured to request and provide a readable medium to the user at the first location and to communicate with the database (see., abstract, figs 1a,1b, and 1n, col 17, lines 13-67, col 18, lines 1-67, col 19, lines 1-67, col 20, lines 1-67, col 21, lines 1-57);

Said medium including computer readable codes matched to the input (see., abstract, col 7, lines 59-64, specifically electronic signature or certificate, it obvious to realize that figs 1a-1n can also include a scanner ). Conklin fails to explicitly disclose wherein said tracking the delivery item. However,

Loeb discloses a system/method for tracking the delivery of issues or items (see., abstract, col 2, lines 16-33). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the multivariate negotiations of Conklin by including the limitation detailed above as taught by Loeb because this would ensure the delivery of an item to the proper buyer or buyers.

Conklin and Loeb fail to disclose Applicant's newly added limitation wherein said module configured to request and provide to the user within a maximum period. Barker discloses a method for retransmitting data to a destination. A RDP module forwards any confirmation of delivery of a datagram to a user at a maximum time (see., col 7, lines

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43-67, col 9, lines 22-45). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Conklin and Loeb by including the limitation detailed as taught by Barker because this would indicate when there is an error in the communication attempt at a particular destination.

As per claim 2, Conklin discloses the claimed limitation wherein said a receiver input module accessible at a second location and configured to communicate with the database, said receiver input module being further configured to produce a delivery indicator (see., abstract, figs 1a,1b, and 1n, 17, lines 13-67, col 18, lines 1-67, col 19, lines 1-67, col 20, lines 1-67, col 21, lines 1-57).

As per claim 5, Conklin discloses the claimed limitation wherein said medium being stored in the record (abstract, figs 1a,1b, and 1n, col 17, lines 13-67, col 18, lines 1-67, col 19, lines 1-67, col 20, lines 1-67, col 21, lines 1-57).

As per claim 10, Conklin discloses the claimed limitation wherein said network comprising a plurality of interconnected networks hosting a plurality of computer workstations (see., figs 1a-1n).

## RESPONSE TO ARGUMENTS

5. Applicant's arguments have been fully considered but they are moot in view of new ground (s) of rejection. Necessitated by amendment.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Pierre Eddy Elisca**

**Primary Patent Examiner**

**June 01, 2005**